

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Donna M. Whitfield,)	
)	Civil Action No. 8:08-3146-HFF-WMC
Plaintiff,)	
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
General Nutrition Center,)	
)	
Defendant.)	
_____)	

The plaintiff, proceeding *pro se*, filed this action on September 15, 2008. Pursuant to Federal Rule of Civil Procedure 4(m), service of the summons and complaint must be made within 120 days of the date the complaint is filed (in this case, January 16, 2009).

By order of this court filed January 23, 2009, the plaintiff was advised of this deadline and given through February 17, 2009, in which to properly effect service in this case. To date, the plaintiff has failed to provide the court with evidence that service has been accomplished.

Wherefore, it is recommended that this case be dismissed for lack of prosecution.

s/William M. Catoe
United States Magistrate Judge

February 24, 2009

Greenville, South Carolina